

Covanta Marion incinerator seeks new solid waste permit

Tracy Loew

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State environmental regulators are asking for public comment on a proposed new solid waste permit for Covanta Marion, the garbage incinerator in Brooks.

The facility burns most of Marion County's residential and commercial waste, generating electricity that it sells to Portland General Electric.

The proposed permit, drafted by the state Department of Environmental Quality, authorizes Covanta Marion to continue to own and operate the site, and regulates what type of waste it can accept.

The new permit would replace an existing expiring one. It doesn't make any changes to the type of waste the facility may accept.

Covanta Marion, Oregon's only municipal waste incinerator, has been controversial since it began operating 36 years ago. That controversy has intensified in recent years.

In 2016, Marion County began allowing Covanta to take as much as 25,000 tons per year of medical waste, containing plastic, from out of state and Canada. The limit was changed to 18,000 tons this year. Plastics can create dioxins and other harmful pollutants when burned.

In 2019 and 2020, Covanta officials warned the plant could close unless the Oregon Legislature designated garbage burning as renewable energy, allowing Covanta to sell the power produced for a higher rate. Bills authorizing the change did not pass.

In June, a Statesman Journal investigation revealed that the company makes about \$1 million per year taking out-of-state industrial waste.

And in July, Marion County ended its three-decades-long partnership with Covanta, giving up control over what the facility burns.

Covanta Marion's current solid waste permit expires Aug. 30, but it will be allowed to continue operating on it until a new one is approved. It's legal, and not unusual, for companies in Oregon to operate with expired permits, as long as they filed their permit applications on time, which Covanta did.

The proposed new permit runs through July 30, 2031.

It allows the facility to accept municipal solid waste, including infectious waste, pharmaceutical waste, cannery



Covanta employee Brad Berkey, an auxiliary operator, sorts garbage deposited by local trash haulers at Covanta Marion, Inc. in Brooks, Ore. on Dec. 5. The Energy-from-Waste facility processes on average 550 tons per day of municipal solid waste (MSW) from Marion County. MADELEINE COOK / STATESMAN JOURNAL

waste, undigested sewage sludge and septic tank pumpings.

It also may accept specific hazardous wastes from small generators; and narcotics, illegal drugs, and equipment and materials used in the production of illicit drugs seized by law enforcement officers.

Covanta spokeswoman Nicolle K. Robles said Covanta does not take hazardous waste as a matter of course.

"If a situation arises where we are asked to take this particular material by a governing authority, it is reviewed and approved on a case-by-case basis," she said.

Robles said Covanta takes drugs from law enforcement across the country as a public service.

"Pharmaceutical waste is a massive problem with both social and environmental consequences, which demands sustainable, responsible solutions from industry," she said. "Ten years ago, Co-

vanta recognized that the U.S. lacks a safe, standardized way to dispose of unused medications and created this program to help communities have a convenient and safe way to dispose of their medications to keep it out of the hands of the most vulnerable and out of our waterways."

The permit allows Covanta to accept electronic waste and radioactive waste for storage, but not to be burned.

The permit doesn't regulate the pollution emitted by the burner.

Covanta Marion has a separate air quality permit that regulates air emissions. It was renewed in 2020, with higher limits for greenhouse gases, and small and fine particulate matter.

And it has a water quality permit that allows it to discharge about 88,000 gallons per day of treated wastewater to the Willamette River at milepost 71.7, near the Wheatland Ferry. Covanta uses well water for flushing built-up minerals from the

boiler and cooling tower.

The water quality permit expired 2009, but DEQ has allowed the company to operate under those rules because Covanta filed its application for a new permit on time.

DEQ took public testimony on a proposed new permit in 2016, which would have lowered allowable chlorine and mercury emissions, but did not take action on it. At the time, DEQ officials said they were waiting on possible federal rule changes.

Comments on the proposed solid waste permit must be received by 5 p.m. Aug. 27, 2021. Send comments to DEQ Permit Coordinator Denise Miller at denise.miller@deq.state.or.us or at 165 E. Seventh Ave., Suite 100, Eugene OR 97401.

Tracy Loew is a reporter at the Statesman Journal. She can be reached at tloew@statesmanjournal.com, 503-399-6779 or on Twitter at @Tracy_Loew

Vaccine

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cording to Oregon Health Authority.

Days after the outbreak began, the facility shared in a news release that 87% of residents, but only 36% of staff, were fully vaccinated.

Meanwhile, other businesses can mandate vaccines. Eugene winery King Estate made headlines in April for requiring their employees to vaccinate.

"It's a real problem," said Dennis Westlind, a Portland lawyer who has practiced employment law for 20 years.

"I represent a lot of health care employers and they're at their wit's end because they see the King Estate wineries of the world mandating their employees be vaccinated, and yet they can't require nurses and therapists, and other people that have to have hands-on interactions with patients to be vaccinated."

"I was literally just sending an email to a client saying, 'Yeah, I'm sorry, it makes no good policy sense. I can give you a rationale and an explanation of how it got to be this messed up, but I cannot justify this on a policy level,'" Westlind said.

Letter of the law

The bill was introduced the same year the number of reported AIDS cases in the United States reached 100,000.

It proposed securing free access to preventative immunization for people who are licensed or certified to provide health care under Oregon law, employ-

ees of a health care facility, employees of licensed health care providers, employees of clinical laboratories, firefighters, law enforcement officers, corrections officers, parole officers and probation officers.

"As you can imagine, that was super well-intentioned and, in my humble opinion, a really good idea. But then, in the legislative process, somebody raised a concern," Westlind said. "They threw an amendment on to the original bill. So you get this crazy situation where I can mandate my paralegal to go get a vaccine, but a hospital can't mandate its nurses to get a vaccine."

The relevant clause states that an emergency response employee cannot be required as a condition of work to be immunized unless that immunization is otherwise required by federal or state law, rule or regulation.

While this pandemic has brought renewed attention to the law, Westlind said it comes up with clients every year when employers in health care settings think about ways to prevent the spread of the flu. Clients learn, just as Lane County's Luedtke did 10 years ago, they can't do anything more than implore their employees to get immunized.

Some not eager for a change

Last month, Oregon lawmakers wrapped up their five-month session and didn't touch this issue.

Patrick Allen, the director of the Oregon Health Authority, said at a recent news conference the agency is "reluctant to mandate" and create a statewide vaccine requirement because there are

already challenges with staffing in health care settings.

"The health care workforce ... is very fragile right now," Allen said.

PeaceHealth's 5,400 local employees are 79% vaccinated, and administrators seem similarly disinterested in pushing for policy change.

"While we are actively monitoring the regulatory environment, we have no current plans for mandatory COVID-19 vaccination and remain confident in our ability to provide a safe care environment with the high rates of vaccination that we have today," Dr. Doug Koekkoek, PeaceHealth's chief physician executive, said in an emailed statement.

The Oregon Nursing Association also boasts a high vaccination rate among the nurses it represents, but its data shows vaccination rates depend on the kind of nursing: 79% of nurse practitioners, 77% of nurse anesthetists, 74% of registered nurses, 60% of licensed practical nurses and 57% of certified nursing assistants are vaccinated.

The association also does not want to

see a change in the law.

"ONA has a long history of promoting and providing free vaccinations while protecting the privacy of individuals' health care records," the association said in an emailed statement. "We will continue to discuss the most effective ways to ensure COVID-19 vaccines are accessible and equitable for all Oregonians."

On the other hand, Luedtke, with Lane County, said he believes there's some advocacy to change the law.

"We've had COVID now for 18 months. We know where some of those high-risk settings are, and it's time to do something to improve the safety in those high-risk settings," Luedtke said. "We have vaccines that are really good. It is another arrow in the quiver ... and unfortunately that is not offered to us in the state of Oregon for the health care space."

Contact reporter Tatiana Parafiniuk-Talesnick at Tatiana@register-guard.com or 541-521-7512, and follow her on Twitter @TatianaSophiaPT.

Pay

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Neither the state nor labor unions — SEIU and AFSCME — yet know how many state employees qualify for the checks, nor how much the one-time payments will cost the state.

Andrea Chiappella, communications director for the Department of Administrative Services, said the money will be coming out of agency budgets, not out of money set aside for salaries.

Members of the labor bargaining teams said securing hazard pay was one of their top priorities.

Christina Sydenstricker Brown, a

member of AFSCME's bargaining team, said the payments show "respect" for the employees who were not able to avoid coronavirus risk by working from home.

Simply needing to work in-person added a lot of anxiety for state employees and their families, she said.

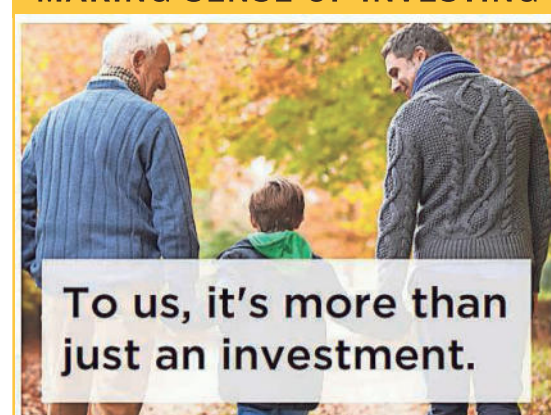
"We kept Oregon going in a time of crisis. When everyone wanted us to stay home and stay healthy, we had to go to work," Sydenstricker Brown said.

Reporter Connor Radnovich covers the Oregon Legislature and state government. Contact him at cradnovich@statesmanjournal.com or 503-399-6864, or follow him on Twitter at @CDRadnovich.



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